

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

The bill requires that the local supervisor of elections provide voter education to public high school students *twice* a year rather than the once a year currently provide in administrative rule.¹ Additionally, the supervisor of elections must provide voter education to private schools if requested to do so and furnish the county’s voting machines for high school elections if there is not a conflict with another scheduled election.

B. EFFECT OF PROPOSED CHANGES:

Background

Over 9 million people were registered to vote in Florida as of October 7, 2002. Nationwide, people aged 18 to 24 had the lowest rate of registering and voting than any other group in the 2000 Presidential election. Only 45.4 percent of them were registered, and, of those, only 32.3 percent voted in the election held in November 2000.

Age Group	Registered	Voted in 2000
18-24	45.4 percent	32.3 percent
25-44	59.6 percent	49.8 percent
45-64	71.2 percent	64.1 percent
65+	76.1 percent	67.6 percent

Source: U.S. Census Bureau, *Voting and Registration in the Election of November 2000*, 2002.

The Florida Voter’s Registration Act of 1994 implemented the National Voter Registration Act of 1993, called the *Motor Voter* law because it allows people to register to vote at the same time they apply for a driver’s license. As a result of Florida’s law, registration numbers have increased.

A person must be 18 to register to vote in Florida, but pre-registration is allowed at age 17. A person who is otherwise qualified may pre-register on or after that person’s 17th birthday and may vote in any election occurring on or after his or her 18th birthday.

The Secretary of State is responsible for providing technical assistance to the supervisors of elections on voter education and providing voter education assistance to the public. As a part of its election reform package, the 2001 Legislature made revisions to the voter education provisions. Current law now requires the adoption of administrative rules by the Department of State that prescribe minimum standards for nonpartisan voter education. The standards must include the following subjects:

- Voter registration;
- Balloting procedures, absentee and polling place;
- Voter rights and responsibilities;
- Distribution of sample ballots; and
- Public service announcements.

County supervisors are charged with the responsibility for implementing the minimum voter education standards and conducting additional nonpartisan education efforts to ensure that voters have a working knowledge of the voting process. Existing administrative rules require the supervisors to conduct a high school voter registration/education program at least once a year in each public high school in the county.¹ The program must be developed in cooperation with the local school board and be designed for maximum effectiveness in reaching and educating high school students. County efforts to implement this requirement are detailed in the recent report by the Department of State.² According to the report, supervisors of elections in 47 counties have conducted voter registration outreach for students. In most counties, the registration outreach has been in each public high school in each county and on each college campus at least once a year. These efforts included voter registration drives for 17 year olds as well as information sessions.

According to the Department of State, Division of Elections' website, a statewide election night survey on November 5, 2002, found that people believed the most helpful information about how to register and how to vote came from literature they received from the Supervisor of Elections. People also found newspapers and television to be more beneficial sources of information than churches, schools, and civic organizations.

School Code Requirements

Sections 1003.42, 1003.429, and 1003.43, F.S. set forth the required courses of study for high school graduation and appropriate instruction designed to ensure that students meet State Board of Education standards in specific subject areas. While these provisions contain requirements for social studies, American government, and Florida government, they do not specifically require voter education.

Effect of Proposed Changes

The bill requires each district school board and county supervisor of elections to cooperate in providing voter education for high school students in grade 12. The voter education must be in the form of a mandatory presentation to public high school students and a voluntary presentation for private high school students. The supervisor of elections is also required to provide voting equipment for the presentations for the public high schools and, if requested to do so, the private high schools.

The content of the presentations must include:

- How to register to vote and pre-register
- Operation of voting machines used in the county
- How, when, and where to vote
- Importance of voting
- Voting by absentee ballot
- How to work at a poll on election day
- How to qualify as a candidate for elected office

The voter education program must:

- Provide students with the opportunity, sufficient information, and sufficient time to complete and hand in to the supervisor of elections applications for voter registration
- Be conducted during school hours each term of the school year (twice/year)
- Be provided to students who have irregular class schedule and students in a magnet program

In addition to the required voter education program, each school district may arrange with the supervisor of elections to use the county voting machines in high school student elections if there is not a conflict with another scheduled election as determined by the supervisor of elections.

² Florida Department of State, Division of Elections, *Report on Voter Education Programs During the 2002 Election Cycle, Pursuant to s. 98.255(3), F.S.*, January 31, 2003.

The provisions of HB 291 is similar to existing regulatory requirements for voter education. Currently, administrative rule requires voter education once a school year.¹ The bill will statutorily require voter education twice a year (once a term).

C. SECTION DIRECTORY:

Section 1. Creates a new section of law; requiring district school board and county supervisor of elections jointly provide a program of voter education for high school seniors.

Section 2. Creates a new section of law; providing for the use of county voting equipment in high school elections in certain conditions.

Section 3. Provides an effective date of July 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None
2. Expenditures: None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
2. Expenditures:

Three provisions of the bill will require increased expenditures over the requirements currently in administrative rule:¹

- Voter education conducted *twice* a year instead of once a year that is currently required in the Florida Administrative Code¹
- Voter education provided to private schools upon the request of the private school
 - Use of the county's voting equipment in high school elections

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None

D. FISCAL COMMENTS: None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other: None

B. RULE-MAKING AUTHORITY: None

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill codifies a part of current administrative rule for voter education for public high school students.¹

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

HB 291 passed the Committee on Education K-20 on March 15, 2004, by a vote of 22 yeas to 2 nays.